

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 25, 2003

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senators Calabretta, Cameron, Keough, Little, Noh, Pearce, and Richardson, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Deidra Parish, Page.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Calabretta, Cameron, Keough, Little, Noh, Pearce, and Richardson were recorded present at this order of business.

February 25, 2003

The JUDICIARY AND RULES Committee reports that **S 1127, S 1128, S 1129, S 1130, S 1131, S 1132, and SCR 106** have been correctly printed.

DARRINGTON, Chairman

S 1127 and **S 1131** were referred to the Commerce and Human Resources Committee.

S 1128 was referred to the Health and Welfare Committee.

S 1129 was referred to the Education Committee.

S 1130 was referred to the State Affairs Committee.

S 1132 was referred to the Transportation Committee.

SCR 106 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **S 1101** and **S 1099** with the recommendation that they do pass.

NOH, Chairman

S 1101 and **S 1099** were filed for second reading.

February 24, 2003

The STATE AFFAIRS Committee reports out **S 1123, H 181, and H 182** with the recommendation that they do pass.

SORENSEN, Chairman

S 1123, H 181, and H 182 were filed for second reading.

February 24, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 145** and **H 146** with the recommendation that they do pass.

BUNDERSON, Chairman

H 145 and **H 146** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 24, 2003

Mr. President:

I transmit herewith **H 102, H 12, HCR 17, H 171, HJM 3, HJM 2, H 253, H 76, H 71**, as amended, **H 62**, as amended, and **H 169**, as amended, and I return herewith **S 1035**, which have passed the House.

JUKER, Chief Clerk

H 102, H 12, HCR 17, H 171, HJM 3, HJM 2, H 253, H 76, H 71, as amended, **H 62**, as amended, and **H 169**, as amended, were filed for first reading.

S 1035 was referred to the Judiciary and Rules Committee for enrolling.

February 24, 2003

Mr. President:

I transmit herewith Enrolled **H 13**, as amended, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 13**, as amended, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Jacki Rolph, Donald Chisholm, and Marguerite McLaughlin was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burkett, seconded by Senator Davis, the Gubernatorial appointment of Jacki Rolph as a member of the Idaho Commission for the Blind and Visually Impaired was confirmed by voice vote.

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Don Chisholm as a member of the Idaho Board of Environmental Quality was confirmed by voice vote.

On motion by Senator Brandt, seconded by Senator Stennett, the Gubernatorial appointment of Marguerite McLaughlin as a member of the Idaho Board of Environmental Quality was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 102, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 12, by Mr. Speaker, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 17, by Health and Welfare Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

H 171, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HJM 3, by Business Committee, was introduced, read at length, and referred to the State Affairs Committee.

HJM 2, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 253, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 76, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 71, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 62, as amended, by Mr. Speaker, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 169, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1050 and **S 1085**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

S 1121 and **S 1122**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 115 and **H 116**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

S 1059 and **S 1100**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

S 1061, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1066, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1108, as amended, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1053, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1043, having been held for this day, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1043** passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Davis, seconded by Senator Stegner, by voice vote the Senate recessed at 11:30 a.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Cameron and Sorensen, absent and formally excused by the Chair; and Senators Cameron, Marley, Noh, Pearce, and Stennett, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

February 25, 2003

Mr. President:

I transmit herewith **H 293** which has passed the House.

JUKER, Chief Clerk

H 293 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Marley, Noh, Pearce, and Stennett were recorded present at this order of business.

H 293, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

Senator Davis requested unanimous consent that the Senate return to the Sixth Order of Business, Reports of Standing Committees.

Senator Stennett objected.

Moved by Senator Davis, seconded by Senator Stegner, that the Senate return to the Sixth Order of Business. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Cameron, Sorensen. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the motion had prevailed and the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

February 25, 2003

The FINANCE Committee reports out **H 293** with the recommendation that it do pass.

CAMERON, Chairman

H 293 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 4:20 p.m. until the hour of 10:30 a.m., Wednesday, February 26, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary